

ENTERED

July 23, 2021

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

QUIRINO TORRES, §
§
Plaintiff, §
VS. § CIVIL ACTION NO. 2:21-CV-024
§
FREDIE BULLOCK, *et al*, §
§
Defendants. §

ORDER REINSTATING CASE

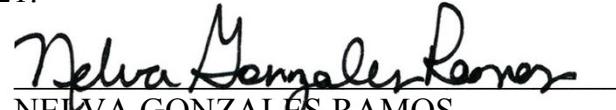
On July 1, 2021, the Court entered final judgment (D.E. 30) dismissing this action without prejudice for want of prosecution. The specific basis for dismissal was that Plaintiff had failed to keep the Court apprised of his address as it changed, as evidenced by Court documents that were mailed to his address being returned as undeliverable. Moreover, Plaintiff failed to timely object to the Memorandum and Recommendation (M&R, D.E. 25) that set out this basis for dismissal, even though he had acknowledged receipt of the M&R. D.E. 28.

On July 13, 2021, Plaintiff filed a letter (D.E. 31), claiming that he did, in fact, place in the jail's mail system timely objections to the M&R. He requests that the case be reinstated. This letter was contained in an envelope indicating that his return address is, as it was from the start, the Bee County Jail. On July 22, 2021, Plaintiff filed his objections (D.E. 33) to the final judgment dismissing the case. Because this was filed within 28 days of the judgment, the Court CONSTRUES the objections as a motion for

new trial under Federal Rule of Civil Procedure 59(a), supported by evidence that his address has not changed and that he has continued to try to prosecute this case.

The Court GRANTS the motion (D.E. 33) and ORDERS this case REINSTATED.

ORDERED this 23rd day of July, 2021.



NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE